

**ENVIRONMENTAL ENHANCEMENT AND MITIGATION PROGRAM  
PROCEDURES AND CRITERIA  
2007-2008 Grant Cycle**

**1. GENERAL INFORMATION**

1-1. Purpose and Authority

These procedures and criteria guide the evaluation and selection of projects under the Environmental Enhancement and Mitigation (EEM) Program. This program, as provided by Streets and Highways Code Section 164.56, authorizes the allocation of up to \$10 million each year for grants to State, local and federal governmental agencies and non-profit organizations to mitigate the environmental impacts of modified or new public transportation facilities.

In the EEM Program, the Resources Agency (Agency) prescribes procedures and criteria to evaluate grant proposals. Based on its evaluation, the Agency prepares and submits a list of proposals recommended for funding to the California Transportation Commission (CTC). The CTC annually awards reimbursement grants to fund proposals from the Agency's list.

1-2. Eligible Applicants

Any State, local, federal or 501(c)(3) non-profit entities may apply for and receive grants. The agency or entity is not required to be a transportation or highway related organization, but must be able to demonstrate adequate charter or enabling authority to carry out the type of project proposed. Two or more entities may participate in a project with one designated as the lead agency.

1-3. Implementation Timeline

Applications for funding in the 2007-08 fiscal year (July 1, 2007 through June 30, 2008) must be received by 4:00 p.m. on, Friday, November 30, 2007.

Direct all inquiries, correspondence and grant applications to:

Resources Agency  
Attn: EEM Program Coordinator  
1416 Ninth Street, Suite 1311  
Sacramento, CA 95814

The Agency will send a list of recommended projects and funding amounts to the CTC by early 2008.

In early spring 2008, it is anticipated that the CTC will give preliminary approval to projects to be funded, with funding allocations to be considered at that time or at a subsequent CTC meeting. The Department of Transportation (Caltrans) executes and administers a contract with each approved grant applicant that is officially called the "Applicant-State Agreement" (referred to as "Agreement" hereinafter). The Agreement is the instrument through which the applicant receives reimbursement for project costs. After the CTC approves funding for an EEM project, Caltrans sends the applicant a

proposed Agreement. If the proposed Agreement is not returned to Caltrans within 30 calendar days of issuance, Caltrans will contact the applicant to determine if the project remains viable. If Caltrans determines that no Agreement will likely be executed by June 2008, Caltrans will retract the offered Agreement and will offer an Agreement to the next highest applicant in priority.

Environmental clearance documents for Agency recommended projects are required by the CTC and must be submitted to the CTC by February 15, 2008 for projects to be considered at the March 2008 meeting. Projects without environmental clearance documents will not be considered for funding.

Grant funds should be expended as soon as possible after an applicant-State agreement is in place. If the applicant cannot submit its first invoice for reimbursement to Caltrans by one year from the date of the execution of the applicant-State agreement, applicant will submit a statement of project progress appropriate to the project that provides real assurances that the project will be completed prior to April 30, 2010. Solid assurance includes but is not limited to: project advertisement or firm advertisement schedule, entry into escrow for acquisitions, date project plans will be completed, date of receipt from a specified entity of other needed funding for the project, etc.

#### 1-4. Project Magnitude

Grants for individual project are generally limited to \$350,000. However, the Agency may recommend awards exceeding the \$350,000 guideline for acquisition projects only, based on the consideration of unique or unusual factors, including, but not limited to, maximum benefits in a one-time or limited opportunity, acquisition of resource lands of a considerable size, substantial leveraging, and/or projects with high statewide significance.

#### 1-5. North/South Split

In accordance with the provisions of Section 187 and 188 of the Streets and Highways Code, an attempt will be made to allocate 40 percent of the total amount recommended to projects in northern counties and 60 percent of the total amount to projects in southern counties. The southern counties are: San Luis Obispo, Kern, Mono, Tulare, Inyo, Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange, Riverside, San Diego, and Imperial. For purposes of this north/south split, all other counties are considered northern counties.

#### 1-6. Project Funding

No matching funds are required for the EEM Program. However, if the applicant is or is planning to obtain funding from the proposed EEM Program, each source of funds must be shown in the applicant's budget display. If funding will be coming from other grants, especially State of California bond funds, the applicant must identify each source separately and specify the amount of funding and its proposed use in the application's budget display. Applicants must also explicitly describe the status of these grant funds, i.e., have they been granted, applied for but awaiting the granting agency's decision, to be applied for in the future, etc.

If the applicant is receiving or expects to receive grant funds for the EEM Program directly from a State of California organization, the applicant must provide the name of the granting entity and a contact person's name, address, phone number, and e-mail address (if any).

## **2. PROJECT GUIDELINES**

### 2-1. Eligible Projects

The categories of environmental enhancement and mitigation projects eligible for funding are:

Highway Landscape and Urban Forestry -- Projects designed to offset vehicular emissions of carbon dioxide through the planting of trees and other suitable plants. Projects may be within or outside the right-of-way of a related transportation facility. However, reimbursement for the cost of vegetation planted within the public road right-of-way is limited to trees.

Resource Lands -- Projects for the acquisition, restoration or enhancement of resource lands to mitigate the loss of, or the detriment to, resource lands lying within or near the right-of-way acquired for proposed transportation improvements. Resource lands include natural areas, wetlands, forests, woodlands, meadows, streams or other areas containing fish or wildlife habitat. Enhancement of resource lands may include the restoration of wildlife corridors and fish passages. Additionally, resource lands may contain features of archaeological or historical value.

Roadside Recreation -- Projects which provide for the acquisition and/or development of roadside recreational opportunities, including parks and greenways, roadside rests, scenic overlooks, trails, and sno-parks.

### 2-2. Related Transportation Facility

To be eligible for consideration, each environmental enhancement and mitigation project must be directly or indirectly related to the environmental impact of the modification of an existing transportation facility (CA Constitution, Art. XIX, Sec. 1) or construction of new transportation facility.

For purposes of this program, a transportation facility is defined as a public street, highway, mass transit guideway or their appurtenant features (e.g. park and ride facilities, high-occupancy vehicle lanes, transit stations, etc.) Additionally, the related transportation facility must be 1) a project where construction began after January 1, 1990; or 2) a project which is not yet under construction, but is included in an adopted State transportation program or in a locally adopted and certified capital outlay program.

If a transportation facility is to be constructed in separate and distinct phases, each phase may be considered a separate project for purposes of this definition, provided that each phase creates an operable transportation improvement.

## 2-3. Minimum Project Requirements

Projects that fail to meet all of the following enumerated minimum requirements will not be considered further:

- A. All projects must demonstrate a direct or indirect relationship with the environmental impact of modifying an existing transportation facility or construction of a new transportation facility.
- B. All projects must provide mitigation or enhancement in addition to the mitigation required as part of the transportation project to which they are related. The EEM project cannot supplant mitigation required of the transportation project.
- C. The mitigation, if in or near the right-of-way, must be compatible with and not interfere with the operation or safety of the transportation facilities.
- D. The mitigation must not limit currently planned or anticipated future improvements to the transportation facility.

## **3. PROJECT EVALUATION CRITERIA**

All projects will be evaluated by the Resources Agency using the following criteria and assigning values based on a point system within the ranges indicated. A maximum of 100 points may be assigned to any one project. Projects will be evaluated on both General Criteria (up to 55 points) and appropriate Project Category Criteria (up to 45 points). In summary, the scoring allocation is as follows:

### **General Criteria (55 points)**

- Increased Mitigation and Enhancement (0-20 points)
- Statewide Project Goals and Local Cash Contributions (0-20 points)
- Project Readiness (0-15 points)

### **Project Category Criteria (45 points)**

#### A. Highway Landscape and Urban Forestry

- Suitability and Sustainability (0-20 points)
- Cost Effectiveness (0-20 points)
- Other Benefits and Community Participation (0-5 points)

-OR-

#### B. Resource Lands

- Important Resource Values (0-30 points)
- Sustainability (0-10 points)
- Other Benefits and Community Participation (0-5 points)

-OR-

### C. Roadside Recreation

- Need for the Project (0-30 points)
- Sustainability (0-10 points)
- Other Benefits and Community Participation (0-5 points)

### 3-1. General Criteria All projects will be evaluated on the following general criteria:

#### A. Increased Mitigation and Enhancement (0-20 points)

Projects that will provide the greatest and most appropriate degree of mitigation or enhancement over and above that required by the California Environmental Quality Act (CEQA) will be rated the highest. Consideration will be given to the degree the project reinforces, complements, or fills a deficiency or need in a larger area, complex, or system, or has been identified as a statewide priority in plans, policies, or other pronouncements.

For example, a project that preserves wildlife habitat lands adjacent to other protected wildlife habitat lands may provide greater protection than a smaller, separate habitat lands project. Also, for example, an addition to an existing greenbelt or trail system may provide greater mitigation benefits than a smaller, separate urban forestry or recreation project.

Applicants must provide a concise, but complete explanation of the mitigation that will be undertaken as part of the related transportation project and the additional mitigation or enhancement to be funded under the EEM Program.

#### B. Statewide Project Goals and Local Cash Contributions (0-20 points)

Consistent with the intent of the program, the Resources Agency seeks to fund projects that serve the largest number of people in the widest area possible. Consequently, projects that demonstrate their relevance to larger planning processes (i.e., regional, city, county, State) and have obtained outside financial support will be given priority in this category.

**Statewide Resource Priorities:** Projects that contribute the most to statewide resource priorities -- comprehensive, regional, and preventive initiatives to protect and enhance the State's natural heritage -- will be rated the highest. Examples include, but are not limited to, the following:

- Habitat/Ecosystem Restoration and Protection, including conservation of agricultural lands
- Wetlands Protection and Acquisition
- Recreational Access
- State Park Stewardship -- enhancement, expansion, and maintenance of the State Park System

**Local Cash Contributions:** Projects that include the greatest proportion of other sources of monetary funding to project development will be rated the highest. Contributions made prior to Commission approval of the EEM project, as well as contributions to on-going project maintenance will not be given credit. To be evaluated

and given appropriate credit, the value of cash contributions must be estimated and included in the project cost estimate and budget. If a project is ultimately approved for funding, the ratio of EEM funds to Other Sources of Funding specified in the project application budget will be used by Caltrans for the purposes of reimbursement.

C. Project Readiness (0-15 points)

EEM Program funds must be expended within three-years of the budgeted year. Therefore, projects that can most readily be started and completed will be given higher ratings. Key items in the evaluation of this criteria include:

- Are project designs completed?
- Have funds been specifically appropriated for the related transportation facility?
- Are matching funds readily available?
- Will the proposed mitigation project require any permits or lengthy environmental clearance?
- Is the project consistent with State, regional, and local plans?

**4. PROJECT CATEGORY CRITERIA**

4-1. Highway Landscape and Urban Forestry Projects

Projects in the Highway Landscape and Urban Forestry (HLUF) category will be evaluated on the following criteria:

A. Suitability and Sustainability (0-20 points)

Projects that demonstrate the ability to provide maximum environmental benefits over the long term will be ranked the highest. Projects that serve the greatest area, and are consistent with statewide resource priorities, regional habitat management, and/or regional conservation objectives will be given priority in this category.

An important consideration is whether plantings, once established, will thrive without the need for supplemental irrigation. Other considerations for sustainability and suitability are:

- Will trees and other plants be environmentally tolerant to drought, smog, soil compaction, frost, wind, etc.? (Maximum value = 3 points)
- Will the project be designed in such a manner as to provide for species diversity to reduce the effects of insects and diseases? For aesthetic reasons, one variety of tree may be planted along a certain street provided that other varieties are planted on another nearby street, thus providing an adequate mix. (Maximum value = 5 points)
- Will the trees and other plant species selected be ecologically and physically appropriate for the function to be performed in the planting space available, and will the initial size selected for the planting area have a good chance for survival and growth on the project site? (Maximum value = 3 points)
- What are the environmental benefits of the species selected? (Maximum value = 4 points)

- Have adequate provisions been made for plant establishment and long-term maintenance? What provisions have been made for plantings that fail (e.g. a budget for removal and/or replacement of plants and trees that die)? Note: If maintenance is to be performed by another entity, please include evidence of concurrence from that entity. (Maximum value = 3 points)
- Will the project use recycled or reclaimed water? (Maximum value = 2 points)

#### B. Cost Effectiveness (0-20 points)

Projects that provide the greatest number of trees and plants and yield the greatest potential for long-term carbon dioxide uptake at the least cost, will be ranked highest under this criteria. However, reimbursement for the cost of vegetation planted in public road right-of-way is limited to trees. Other cost effectiveness considerations include:

- How many trees will be planted in how much space? (Maximum value = 5 points)
- What species of trees and plants will be used? (Please include both the scientific and common names) (Maximum value = 4 points)
- What will be the size and cost for each of the trees and plants proposed? If trees larger than 15-gallon container size are used, what is the justification? (Maximum value = 3 points)
- What type of irrigation system will be installed? (Maximum value = 4 points)
- What is the water source and cost? (Maximum value = 2 points)
- What will be the establishment cost per tree, considering species and installation over the first five years following planting? (Maximum value = 2 points)

#### C. Other Benefits and Community Participation (0-5 points)

Projects that provide other benefits (i.e., benefits of other categories -- Roadside Recreation and Resource Lands) and/or demonstrate community support will receive points under this criteria. Other benefits include, but are not limited to, increased public access and recreational opportunities, preservation of wildlife habitat, and active citizen participation in planning and/or maintenance of the project. For example:

- If the project is outside the right-of-way of the related transportation project, will the trees and other plants be planted in an area that provides reasonable public access or recreational opportunities? (Maximum value = 1 point)
- Will the project provide for enhanced wildlife habitat? (Maximum value = 1 point)
- If the project is outside of the related transportation facility right-of-way, will the project maximize citizen involvement in project planning and implementation and provide stewardship opportunities for long-term maintenance of the trees? (Maximum value = 3 points)

In addition, volunteer labor and/or donated materials, will be viewed favorably as further demonstration of local and community support of the project. If volunteer services or donated items will be used, please provide a description of what will be provided, including value (listed separately from cash contributions) if possible.

#### 4-2. Resource Lands Projects

Projects in the Resource Lands (RL) category will be evaluated on the following criteria:

A. Important Resource Values (0-30 points)

Resource lands that protect or enhance ecosystems, watersheds, and/or other statewide natural resource priorities will be rated the highest. Important natural resource values include, but are not limited to, lands containing rare, threatened, or endangered species and their habitats, lands containing special wildlife values such as wildlife corridors, nesting and breeding areas, wetlands, woodlands, and riparian habitat, and agricultural lands.

B. Sustainability (0-10 points)

Projects that provide the most reasonable assurance that the resource lands to be acquired or enhanced will be maintained and protected will be ranked the highest under this criteria. If maintenance is to be performed by another entity, please include evidence of concurrence from that entity.

C. Other Benefits and Community Participation (0-5 points)

Projects that provide other benefits (i.e., benefits of other categories -- Highway Landscape and Urban Forestry and Roadside Recreation) and/or demonstrate community support will receive points under those criteria. Other benefits include, but are not limited to, increased public access and recreational opportunities, increased opportunities for interpretive and/or environmental education, and active citizen participation in planning and/or maintenance of the project.

In addition, volunteer labor and/or donated materials, will be viewed favorably as further demonstration of local and community support of the project. If volunteer services or donated items will be used, please provide a description of what will be provided, including value (listed separately from cash contributions) if possible.

#### 4-3. Roadside Recreation Projects

Projects in the Roadside Recreation (RR) category will be evaluated on the following criteria:

A. Need for the Project (0-30 points)

Applications that demonstrate the greatest need for the particular recreational facility will be ranked the highest. Projects with statewide significance, such as State Park Stewardship, will be given priority in this category. For example:

- Will current or potential recreational opportunities be impacted by the modified or proposed transportation facility?
- Why should this particular project be funded?
- Is there a deficiency of similar opportunities?



- Who will be served by this project, and what is the estimated visitor use?
- Does the project connect to or complement other recreation areas or facilities?
- Are there any barriers to public access?

#### B. Sustainability (0-10 points)

Entities that demonstrate the greatest ability to operate and maintain the proposed recreational facility will be given the highest ranking under this criteria. For example:

- What is your experience in operating/maintaining this type of project or other recreation project?
- How do you propose to maintain and operate the project? If maintenance is to be performed by another entity, please include evidence of concurrence from that entity.
- How will materials and equipment be resistant to or protected from vandalism?

#### C. Other Benefits and Community Participation (0-5 points)

Projects that provide other benefits (i.e., benefits of other categories -- Highway Landscape and Urban Forestry and Resource Lands) and/or demonstrate community support will receive points under this criteria. Other benefits include, but are not limited to, the use of plants and trees to offset vehicular emissions, preservation of wildlife and natural habitat, increased opportunities for interpretive and/or environmental education, and active citizen participation in planning and/or maintenance of the project. Examples that address this criteria might include:

- Self-guided nature walks utilizing interpretive signs and displays at the project entrance and/or key viewing points.
- Litter abatement and beverage container recycling opportunities.
- Involvement of volunteers or citizen organizations in interpretive and educational activities, litter cleanup, and maintenance.

In addition, volunteer labor and/or donated materials, will be viewed favorably as further demonstration of local and community support of the project. If volunteer services or donated items will be used, please provide a description of what will be provided, including value (listed separately from cash contributions) if possible.

## 5. COSTS AND ACCOUNTING

### 5-1. Eligible EEM Project Costs

The Resources Agency may recommend projects to the California Transportation Commission (CTC) with unallocated reductions in grant funding or with specific line item reductions. In such cases, the applicant may elect to use non-grant sources of funding if it is deemed necessary to complete the project as planned.

Only project-related costs incurred during the project performance period specified in the project budget and Agreement will be eligible for reimbursement. All such costs are funded on a reimbursement basis, and will be held to the ratio of EEM

funds to Other Sources of Funding designated in the budget and Agreement, which is generally the ratio specified by the applicant in the original project proposal. All costs submitted for reimbursement must be supported by appropriate invoices, purchase orders, canceled warrants, and other records.

Costs incurred in advance of a signed Agreement with the State are not eligible for reimbursement.

Only direct costs are eligible. General program administrative costs, general overhead costs (i.e., costs calculated as a percentage of other direct costs, such as telephone, fax, and space rental, etc.), and ongoing project maintenance are not eligible for reimbursement.

## 5-2. Specific EEM Project Costs

### A. Preliminary Project Costs

Preliminary project costs (e.g. construction plans, appraisals, acquisition negotiations, etc.) are eligible for reimbursement. However, costs incurred prior to both the execution of an Agreement between the State and the applicant and the allocation vote by the California Transportation Commission will not be reimbursed.

### B. Personnel and Employee Services

Services of the applicant's employees directly engaged in project execution are eligible costs. These costs must be computed according to the applicant's prevailing wage or salary scales and may include fringe benefit costs such as vacations, sick leave, social security contributions, etc. that are customarily charged to the applicant's projects. Costs charged to the project must be computed on actual time spent on the project and be supported by time and attendance records describing the work performed on the project. Overtime costs may be allowed under the applicant's established policy, provided that the regular work time was devoted to the same project.

Salaries and wages claimed for employees working on State grant funded projects must not exceed the applicant's established rates for similar positions.

### C. Consultant Services

The costs of consultant services necessary for the project are eligible. Consultants must be paid by the customary or established method and rate of the applicant. No consultant fee may be paid to the applicant's own employees without prior approval or unless specifically agreed to by the State.

### D. Construction Equipment

The following conditions apply to the allocation of costs for construction equipment:

- Equipment owned by the applicant may be charged to the project for each use. Equipment use charges must be made in accordance with the

applicant's normal accounting practices. The equipment rental rates published by the State Department of Transportation may be used as a guide. (refer to <http://www.dot.ca.gov/hq/construc/equipmnt.html>)

- If the applicant's equipment is used, a report or source document must describe the work performed, indicate the hours used, and relate the use to the project. This document must be signed by the operator and supervisor.
- Equipment may be leased, rented, or purchased, whichever is most economical. If equipment is purchased, its residual market value must be credited to the project costs on completion.

#### E. Construction Costs

The cost of all necessary construction activities from site preparation (including excavation, grading, etc.) to the completion of a structure or facility is eligible. Also eligible are contract costs for tree planting and irrigation systems.

#### F. Trees, Supplies, And Materials

Trees, supplies, and materials, including irrigation equipment may be purchased for a specific project or may be drawn from a central stock, provided that they are claimed at a cost no higher than that paid by the applicant. However, reimbursement for the cost of vegetation planted within public road right-of-way is limited to trees.

#### G. Acquisition Costs

The costs of acquiring real property are eligible and may include the purchase price of the property, appraisals, surveys, preliminary title reports, escrow fees, and title insurance fees. Grant applicants are encouraged to explore the feasibility of acquiring easements rather than fee title when appropriate.

Important Note: Applicants who propose to purchase property or conservation easements must accept, sign, notarize, and record an "Agreement Declaring Restrictive Covenant" (ADRC). Without an ADRC, Caltrans will not reimburse applicants for their acquisition costs. Further, lack of an ADRC puts project funds at risk and could negatively affect future requests for EEM Program funds. The ADRC format is attached to this edition of Procedures and Criteria.

#### H. Other Expenditures

In addition to the major categories of expenditures, reimbursements may be made for miscellaneous costs necessary for execution of the project. Some of these costs are:

- Premiums on hazard and liability insurance to cover personnel and/or property.
- Work performed by another section or department of the applicant's agency.
- Transportation costs for moving equipment and/or personnel.

## **6. ADDITIONAL INFORMATION ON THE PROGRAM AND PROCEDURES**

Accounting procedures and eligible costs for this program are established by Caltrans and any needed additional information can be obtained from the appropriate Caltrans District Local Assistance Office, (see the attached list and map for specific locations and contact persons). This information is on-line at: (<http://www.dot.ca.gov/localoffice.htm>)

Completed applications and questions regarding the EEM Program Procedures and Criteria should be directed to the EEM Program Coordinator, Charles Chung at (916) 654-9923, [charles.chung@resources.ca.gov](mailto:charles.chung@resources.ca.gov) or at Resources Agency, 1416 Ninth Street, Suite 1311, Sacramento CA 95814.

## Checklist for Environmental Enhancement and Mitigation (EEM) Program Applications

The following items, as applicable, are required for the EEM Program application. Submit a total of eight copies of all materials (original plus seven copies.) Please assemble your application in the order listed below.

### **Environmental Enhancement and Mitigation Program**

**1. Signed Application Face-Sheet and Assurances (see attached)**

**2. Table of Contents (with page number references)**

**3. Environmental Project Summary**

Brief description of project scope, location, and purpose, and amount of request

Explanation for grant request that exceeds the specified funding limitation, if applicable

**4. Agency Eligibility**

Authorizing resolution to apply for grant, required for local agencies and nonprofit organizations. (sample attached)

Statement of related prior experience for local agencies and nonprofit applicants (include IRS determination letter of Section 501(c)(3) non-profit status, if applicable)

**5. Related Transportation Project**

Discussion of related transportation project and required mitigation, and the additional mitigation proposed by the EEM project.

Transportation project lead agency form letter (provided in this application package)

**6. General Criteria**

Narrative and quantitative explanations for each of the General Criteria

**7. Project Category Criteria**

Narrative and quantitative explanations for each of the Project Category Criteria for the category of grant project being proposed

## **8. Exhibits**

A. Statement of project consistency with local, State, and/or federal plans, and list of permits and approvals needed and applications filed with involved agencies.

B. Project cost estimate (by line item-object of expense, excluding overhead costs).

C. Proposed project development budget showing sources of cash funding. If volunteer services or donated items will be used, do not include these in this budget document. (You may discuss their value separately from monetary contributions under the Other Benefits and Community Participation criteria.)

D. Project completion schedule, including anticipated submittal date of first invoice for reimbursement.

E. Quarterly project development cash expenditure plan. (Note: this requirement may not be applicable to land acquisition grants that will be purchased all at once. If this is the case, so note in the application.)

F. Project location map.

G. Project site photos.

H. Project designs or concept drawings.

I. Acquisition schedule, if applicable.

J. Acquisition map, if applicable (boundaries and parcel numbers).

K. Certification for projects involving tree planting by a certified arborist, registered professional forester, or registered landscape architect, including:

- appropriateness of species for location and carbon dioxide uptake capability,
- optimal initial tree size for survival,
- proper planting and maintenance ensured,
- compliance with local ordinances, and
- compliance with specified nursery stock standards.

L. For all projects involving plantings, a description of the number of plantings, species, size, density, and locations.

M. All other exhibits (e.g. agreements with other involved agencies, etc.)

N. Lastly, letters of endorsement if any (not required).

## **ENVIRONMENTAL ENHANCEMENT AND MITIGATION PROGRAM APPLICATION**

(Enter Grant Project Information under Section A and Transportation Project Information under Section B)

**PROGRAM CATEGORY** (check one category, only, below)

(1) \_\_ Highway Landscape and Urban Forestry (2) \_\_ Resource Lands (3) \_\_ Roadside Recreation

**A. GRANT PROJECT** (Name)

**(A.1) AMOUNT OF GRANT REQUEST \$** \_\_\_\_\_

**(A.2) ESTIMATED TOTAL PROJECT COST \$** \_\_\_\_\_

(Grant, Donations, etc., excluding cost of the related Transportation Project)

**(A.3) GRANT APPLICANT**

(A.31) Agency Name  
(A.32) Street Address  
(A.33) P.O. Box, if any  
(A.34) ZIP code

**TYPE of AGENCY (Check one Box)**

(A.35) Local Agency \_\_\_\_  
(A.36) State Agency \_\_\_\_  
(A.37) Federal Agency \_\_\_\_  
(A.38) non-profit \_\_\_\_

**(A.4) GRANT PROJECT LOCATION**

(A.41) Nearest Cross Street  
(A.42) County  
(A.43) Nearest City  
(A.44) latitude and longitude  
(A.45) Senate District No.  
(A.46) Assembly District No.

**Grant Applicant's Representative Authorized in Resolution**

Name	Title	Phone
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Email address

**Person with day-to-day responsibility for grant project (if different than authorized representative)**

Name	Title	Phone
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Email address

**(A.5) BRIEF DESCRIPTION OF GRANT PROJECT** (scope, location, purpose – not to exceed 60 words)

**(A.51) ANTICIPATED GRANT PROJECT START DATE:** \_\_\_\_\_

**(A.52) ANTICIPATED GRANT COMPLETION DATE:** \_\_\_\_\_

**(A.6) ENVIRONMENTAL CLEARANCE FOR GRANT PROJECT** (check proposed type and status)

(A.61) Type: (A.611) Exempt\_\_\_\_ (A.612) Negative Declaration\_\_\_\_  
(A.613) Categorical Exemption\_\_\_\_ (A.615) Environmental Impact Report\_\_\_\_

(A.62) Status: (A.621) Complete\_\_\_\_ (A.622) In Progress\_\_\_\_ (A.623) Not Started\_\_\_\_

(A.63) Name of Lead Agency\_\_\_\_\_

**Note:** Final environmental documents must be submitted to the CTC before being considered for funding

**B. RELATED TRANSPORTATION PROJECT**

(B.1) Transportation District (B.2) City (B.3) County (B.4) Route Number / Name

(B.5) Location

(B.6) Description of Related Transportation Project

(B.7) Name of Transportation Agency (B.8) Date Construction Began or Scheduled

(B.9) Name of Approved/Certified Capital Outlay Program for Related Transportation Project

*I certify that the information contained in this project application form, including required attachments, is accurate and that I have read and understand the Assurances which are a part of this application.*

**Signed**\_\_\_\_\_ **Date**\_\_\_\_\_  
(Grant Applicant's Authorized Representative, as shown on the Resolution)



## C. ASSURANCES

Applicant possesses legal authority to apply for the grant and to finance, acquire, and construct the proposed project; and by formal action (i.e., a resolution) the applicant's governing body authorized the filing of the application, including all understandings and assurances contained therein, and authorized the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

Applicant will manage and maintain into the future any property acquired, developed, rehabilitated, or restored with grant funds provided through this program. For property acquisition or conservation easement, applicant will accept, sign, notarize, and record an Agreement Declaring Restrictive Covenant (ADRC) developed by the California Department of Transportation. With the granting agency's prior approval, the applicant or its successors in interest may transfer the management and maintenance responsibilities in the property. If the property is not managed and maintained for the purposes stated in the Agreement, the state shall be reimbursed an amount at least equal to the amount of the grant award or, for real property, the pro rata fair market value of the property, including improvements, at the time of sale, whichever is higher.

Applicant will give the state's authorized representative access to and the right to examine all records, books, papers, or documents related to the grant.

Applicant will cause work on the project to be commenced within a reasonable time after receipt of notification from the state that funds have been approved and that the project will be carried to completion with reasonable diligence. If applicant cannot submit its first invoice for reimbursement to Caltrans by one year from the date of the execution of the applicant-State agreement, applicant will submit a statement of project progress appropriate to the project that provides real assurances that the project will be completed prior to April 30, 2010, including but not limited to: project advertisement or firm advertisement schedule, entry into escrow for acquisitions, date project plans will be completed, anticipated date of receipt of other needed funds from specified entity, etc.

Applicant will comply where applicable with provisions of the California Environmental Quality Act and the California Relocation Assistance Act and any other state, and/or local laws, rules and/or regulations.

Applicant Name: \_\_\_\_\_

Project Name: \_\_\_\_\_

Signed \_\_\_\_\_ Date \_\_\_\_\_  
(Grant Applicant's Authorized Representative)

## SAMPLE RESOLUTION

Resolution No:  
RESOLUTION OF THE

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(GOVERNING BODY)

OF \_\_\_\_\_ APPROVING  
(NONPROFIT ORGANIZATION/SPECIAL PURPOSE LOCAL AGENCY)

THE APPLICATION FOR GRANT FUNDS FOR THE ENVIRONMENTAL  
ENHANCEMENT AND MITIGATION PROGRAM UNDER THE SECTION 164.56 OF  
THE STREETS AND HIGHWAYS CODE FOR THE FOLLOWING PROJECT:

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(PROJECT NAME)

WHEREAS, the Legislature of the State of California has enacted AB 471 (Chapter 106 of the Statutes of 1989), which is intended to provide \$10 million annually for a period of 10 years for grant funds to local, state and federal agencies and nonprofit entities for projects to enhance and mitigate the environmental impacts of modified or new public transportation facilities; and

WHEREAS, the Resources Agency has established the procedures and criteria for reviewing grant proposals and is required to submit to the California Transportation Commission a list of recommended projects from which the grant recipients will be selected; and

WHEREAS, said procedures and criteria established by the Resources Agency require a resolution certifying the approval of application by the applicant's governing body before submission of said application to the State; and

WHEREAS, the application contains assurances that the applicant must comply with; and

WHEREAS, the applicant, if selected, will enter into an agreement with the State of California to carry out the environmental enhancement and mitigation project;

NOW, THEREFORE, BE IT RESOLVED THAT THE

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(GOVERNING BODY)

1. Approves the filing of an application for the Environmental Enhancement and Mitigation Program for grant assistance.
2. Certifies that said applicant will make adequate provisions for operation and maintenance of the project.
3. Appoints \_\_\_\_\_ as agent of  
(NAME AND TITLE)  
the \_\_\_\_\_ to  
(NONPROFIT ORGANIZATION/SPECIAL PURPOSE LOCAL AGENCY)

### **SAMPLE RESOLUTION (continued)**

conduct all negotiations, execute and submit all documents, including, but not limited to applications, agreements, amendments, payment requests and so on, which may be necessary for the completion of the aforementioned project.

Approved and Adopted the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

I, the undersigned, hereby certify that the foregoing Resolution Number \_\_\_\_\_ was duly adopted by the

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(GOVERNING BODY)

following roll call vote:

Ayes:

Noes:

Absent:

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(CLERK/SECRETARY FOR THE GOVERNING BODY)

Provide the Following Information on Transportation Agency Stationery

Send a letter addressed to:

Resources Agency  
Attn: EEMP Coordinator  
1416 Ninth St., Suite 1311  
Sacramento, CA 95814

SUBJECT: ENVIRONMENTAL ENHANCEMENT and MITIGATION PROJECT

The following information is provided regarding the construction of a new transportation facility, or the enhancement of an existing transportation facility, in order to assist in the review of a proposed Environmental Enhancement and Mitigation Program (EEMP).

Title of the Proposed EEMP Project:

Required Information about the Related Transportation Project:

- Project description:
- Kind of environmental document required:
- Status of environmental document:
- List of the major environmental mitigation measures required for or expected to be required:
- Location:
- Construction start date:

Required Information about the Proposed EEMP Project and the Related Transportation Project:

1. Does any part of the proposed EEMP project provide the same environmental mitigation or enhancements required of the transportation project? (If "yes," please explain.)
2. Is the proposed EEMP project compatible with the transportation facility, or does it interfere with the transportation facility operation or safety? (If incompatible, please explain.)
3. Does the proposed EEMP project limit or interfere with planned or anticipated future improvements to the transportation facility? (If it interferes, please explain.)
4. Describe any concerns about the proposed EEMP project (e.g., design, safety, tree density, other EEMP project previously undertaken to mitigate the impact of this transportation project, etc.)

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Signature: Transportation Agency Representative

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Title

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Name of Transportation Agency

## **TYPICAL QUESTIONS AND ANSWERS ENVIRONMENTAL ENHANCEMENT & MITIGATION PROGRAM**

**The following are frequently asked questions about the Environmental Enhancement and Mitigation Program (EEMP) and the Resources Agency's responses.**

**1. Last year, we submitted an application but did not receive funding. We have improved our proposal and would like to resubmit it this cycle. What do we need to do?**

The proposal may be resubmitted. When it is resubmitted, it will be considered as a new proposal and compared to those applications received in the current grant cycle. Applicants must submit an original and seven copies of the complete application package. The proposal must be fully updated, including all project information, the application form, and the resolution. The same related transportation project can be used to qualify the grant project even if construction is now underway or completed, so long as all other eligibility requirements are met.

**2. What types of transportation projects are considered "related transportation projects"?**

Environmental Enhancement and Mitigation Program projects must be directly or indirectly related to the environmental impact of modifying existing transportation facilities or to the construction of new transportation facilities (please refer to questions no. 4 and 5 below for additional requirements). Transportation facilities (i.e., a public street, highway, mass transit guideway or their appurtenant features) must be:

- projects where modifying construction or new construction began after January 1, 1990;
- projects that are not yet under construction but are included in an adopted state transportation program or in a locally adopted and certified capital outlay program.

Where construction is undertaken in separate and distinct phases, each phase is considered as a separate project, provided that each phase yields an operable transportation improvement, i.e., a change in capacity, configuration, or traffic flow.

**3. How can I find out if a transportation project is in an adopted state transportation program or a local capital outlay program?**

This information can be obtained by contacting your local Caltrans district office, regional transportation agency, or local government.

**4. Do all transportation facility projects that are a part of an adopted state transportation program or local capital outlay program qualify as "related transportation projects"?**

Only those transportation facility projects that result in adverse environmental impacts will qualify for purposes of this grant program. In general, those projects that are strictly replacement construction or which fall into the category of "maintenance" would not qualify, while projects which involve a significant change in the capacity or configuration (i.e., change in the physical lay-out of the facility) would. For example, pavement resurfacing, repainting a bridge, or a replanting project would not under most circumstances have an adverse environmental impact and would be considered maintenance. Additionally, a project such as constructing a sound barrier, which in itself mitigates an environmental impact, would not qualify.

In contrast, widening a highway, constructing a frontage road, or realigning a curve probably would have an adverse environmental impact and might qualify. Under other circumstances, there could be an instance where a transportation project is not required to provide CEQA mitigation but funding under this program might be feasible due to certain considerations (e.g., tree planting to offset the cumulative impacts of related transportation projects that received negative declarations or categorical exemptions). These examples are provided only as general guidance. The related transportation facility project contained in each proposal will be evaluated on a case-by-case basis.

**5. If a transportation project requires mitigation, isn't the use of grant funds for related mitigation or enhancement projects duplicative?**

Proposed projects under this grant program must provide mitigation or enhancement over and above that required for the related transportation project under the California Environmental Quality Act (CEQA) or the National Environmental Policy Act (NEPA). For example, if a new highway runs through an area, which was once a local park, part of the mitigation for that transportation project might be the acquisition of land and development of a replacement park. However, an eligible enhancement project might be the securing of additional land to extend the park facility, based on justifiable need caused by the effect of the modified or new transportation facility.

**6. Are bike trails eligible for funding under the Environmental Enhancement and Mitigation Program?**

Yes. Bike trails are eligible under the category of Roadside Recreational Projects, provided all other relevant requirements are met.

Conversely, bike trails are not considered "related transportation facilities" because they are intended to assist in getting people to use alternate transportation to those fueled by petroleum based products.

**7. Does a roadside recreational project have to be adjacent to the roadway?**

Not always. If we use the example of a replacement park, we can illustrate this point. Assume that there is no available land for park use adjacent to the new highway but that there is a suitable parcel in the general area that would allow for increasing the size of the park. This would be acceptable if it can be related to the adverse impacts of the transportation project.

However, of projects with relatively equal mitigation impacts, projects closer to the impact of the related transportation projects are more likely to be given a higher priority for funding.

**8. What is meant by enhancement or mitigation projects that are "indirectly" related to transportation projects?**

"Indirectly," as opposed to "directly," may be used in reference to the geographic location of an enhancement and mitigation project; that is, the project may not be in the immediate vicinity of the transportation project but in the general area.

"Indirectly" may also be used to characterize the type of benefits produced. Again, let's consider the park example in No. 7. The proposed park replacement project is indirectly related to the impacts of the new highway in that the park will be located about a half mile from the original park site but will serve the same population; it indirectly mitigates the impacts of the highway by providing an open and tranquil natural setting for recreational users. Scenic overviews and recreational trails would also probably have an indirect relationship to transportation projects.

It is the responsibility of the applicant to explain the cause and effect relationship between the impact of the transportation project and the proposed environmental project.

**9. What are acceptable sources and required amounts for matching funds?**

A cash funding match is not required in this program. However, projects are evaluated and given credit for other sources of cash contributions that are included in project cost estimates and budgets. In-kind/volunteer services and donated materials are given credit under the Other Benefits and Community Support evaluation criteria and are viewed favorably as demonstration of local support for the project.

If other sources of cash provide some funding for the proposed project, any source is acceptable - local, state or federal government, other grants, and/or public or private funding. Such contributions would have the effect of increasing the environmental benefit to be obtained from the expenditure of state grant funds by increasing the total number of projects that can be funded from a limited appropriation. Additionally, funds from local sources would demonstrate the strength of local support and commitment. Funding for the related transportation project is not considered as a source of funding for the environmental project.

**10. What is meant by "in-kind" and/or "volunteer" services?**

These terms include services needed for the project and provided for the project without charge to the applicant or state. In-kind services include work performed by the applicant's organization but not claimed for reimbursement as part of the program grant. Volunteer services are those provided by individuals outside the applicant's organization.

**11. Can I apply for funding for this grant cycle to undertake an enhancement and mitigation project related to a transportation project that will not begin construction until a later fiscal year? Conversely, can I apply in a subsequent fiscal year for funding to undertake an enhancement and mitigation project related to a transportation project that was initiated after January 1, 1990 and completed prior to submitting my proposal?**

Yes to both questions. However, if the transportation project is not yet under construction, your proposal will not be as competitive as projects related to completed transportation projects.

Also, it may be difficult for a proposed grant project to demonstrate that it will provide mitigation, in addition to that required by CEQA, if the transportation project is not yet approved or underway. CEQA review for the transportation project must have been completed before the grant application is submitted.

Finally, if for some reason a transportation project is shelved, grant funding will not be provided and limited grant monies will have been unnecessarily withheld from other worthwhile projects.

**12. What information do I need to provide concerning the mitigation required under CEQA for the related transportation project?**

In order to establish that the proposed grant project affords mitigation over what is required under CEQA, the Resources Agency requires a concise but complete description of the mitigation required for the transportation project and the additional mitigation or enhancement to be funded under this program. You will need to submit a statement regarding the status of the environmental review process for the transportation project, a concise description of the mitigation requirements and the cause and effect relationship of the transportation facility's environmental impacts to the proposed enhancement project. (While excerpts from the Environmental Impact Report are appropriate, do not submit the entire transportation project EIR.)

**13. Are authorizing resolutions and statements describing the organization's authority to carry out the proposed project required of all applicants?**

Yes. All local government agencies and nonprofit organizations are required to submit authorizing resolutions and authority statements.



**14. How does the requirement for a signed statement from the lead agency for the related transportation project apply if the lead agency is a local government entity?**

A statement from the lead agency for the related transportation project is required from all applicants, using the form letter provided in the Application Packet, even if the grant applicant is the same entity as the transportation lead entity.

**15. Are letters of support necessary?**

Letters of support may be submitted but are not a critical factor in the evaluation. However, if endorsements are submitted, they should be included with the grant application. Please do not send in separately.

**16. If environmental review is required for the proposed environmental enhancement and mitigation project, when does the review process need to be completed?**

When you submit your proposal to the Resources Agency, you will need to indicate on the application form the type and status of environmental clearance for the proposed grant project. The Resources Agency expects to review all project proposals and submit a list of recommended eligible projects to the California Transportation Commission each April. The Commission considers the list of projects for preliminary approval each July. Before the Commission considers these projects, lead agency environmental review must have been completed. This means that the environmental review process must be completed and all final environmental documents, including categorical exemptions, submitted to the Commission well in advance (no later than February 15, 2008) of the Commission's consideration of the program in early July (see California Environmental Quality Act, especially the Public Resources Code, Section 21150).

**17. When can work begin on an approved EEMP project?**

Work can start once Caltrans and the applicant sign an Agreement. This is the third requirement in a three-step process: First, is the California Transportation Commission's vote to adopt the annual program, consisting of concept approval of selected projects from the Resources Agency's list of recommended projects, second is the CTC's vote to allocate grant funds for each approved project, which should occur at the time of adoption, and, third is the execution of the Agreement between the applicant and the State.

**18. If we run into delays, how long can we postpone initiating construction without losing our eligibility for funding?**

In order for a project to remain eligible for funding, all three steps outlined in No. 17 above must have occurred prior to the end of the state fiscal year during which the program was adopted by the CTC, for the FY 07/08 cycle, this date is March, 2008. For applicants to receive reimbursement for approved project costs, Caltrans must receive

invoices prior to April 30 of the 2nd fiscal year following CTC adoption, for the FY 07/08 cycle that date is April 30, 2010.

If the applicant submits no invoices by one year of the signed agreement, the applicant must submit an official statement of project progress to Caltrans that provides solid assurances that the project will be completed prior to April 30, 2010. Solid assurance includes but is not limited to: project advertisement or firm advertisement schedule, entry into escrow for acquisitions, date project plans will be completed, date of receipt from a specified entity of other needed funding for the project, etc.

**19. How much time is allowed to expend all grant funds?**

All projects have three years in which to expend their funds. The clock starts when the governor signs the budget. Typically, EEM Agreements would not be in place until late spring of the following year. All eligible reimbursable costs must occur after the Agreement is in place. The project's final invoice must be submitted by April 30 of 2010 to ensure full reimbursement. Invoices submitted after April 30 may be at risk for payment.

**20. Will the program fund tree removal and replacement?**

Yes, tree removal can be funded if necessary to the design of the project. But, a project that simply proposes to replace trees removed by the transportation or the environmental project on a one for one basis is not likely to receive as high an evaluation relative to other projects that propose to increase the overall number of trees.

**21. Are palm trees eligible for funding?**

Yes. But, because palm trees contribute very little to the uptake of carbon dioxide relative to other varieties of trees, projects consisting predominantly of palm trees are not likely to score well in certain technical criteria relative to projects proposing other tree varieties.

**22. Can projects be proposed for more than one program category?**

No. Only one category may be selected for each proposed project. However, all projects are evaluated and given up to five points credit under the "Other Benefits" criteria for benefits associated with other project categories.

**23. Will the program fund projects that result in plans or handbooks, e.g. GIS mapping projects, bike lane plan development, best type of trees to plant in specified locations, and etc.?**

No. The EEM Program is intended to pay for actual, on-the-ground projects that preserve, restore or improve habitat, create or improve recreational facilities, create or improve vegetation (especially trees) in specified locations, etc. There is no dispute that "planning" efforts frequently result in very useful information. It's just that they don't directly result in tangible environmental improvements.